

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1488 – HB 1851

February 7, 2014

SUMMARY OF ORIGINAL BILL: Reduces from more than 100 miles to more than 50 miles the distance from the marital home that children cannot be relocated without the permission of the other party or a court order in divorce and legal separation cases. Expands the rights granted to each parent during periods when the child is not in that parent's possession to be included in an order arising from an action for divorce or annulment. Requires the notarized signature of the party or parties submitting the parenting plan. Expands and rewrites the relevant factors the court must consider when determining custody of a minor child in annulment, separation, and divorce suits. The court must consider these factors in child custody, parental relocation, and permanent parenting plan determinations.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012327): Deletes the prohibition of a parent exercising parenting time from remaining in a room or listening in on a telephone conversation between the child and the other parent. Includes parental access to individual student records or grades that are available online. Requires the court to consider the likelihood of each parent and caregiver to honor and facilitate court ordered parenting arrangements and rights and the history of either parent or any caregiver denying parenting time to either parent in violation of a court order. Removes the parent's ability to instruct, inspire and encourage the child to prepare for a life of service, and to compete successfully in society as one of the factors the court must consider when determining custody arrangements.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation makes various changes to factors the court must use in determining child custody arrangements in divorce, annulment, and legal separation cases.

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- Any fiscal impact resulting from the proposed changes will be incurred by private parties.
- There will not be a significant impact to the caseloads or the work necessary to finalize these cases by the state or local court systems.
- Any fiscal impact to state and local government is estimated to be not significant and can be accommodated within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/kml